IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03/10/2002

CORAM

THE HON'BLE MR.JUSTICE P.D. DINAKARAN

Writ Petition No.37477 of 2002

Veeraboomu Naicker .. Petitioner

-Vs-

1. The President
Elavanoor Panchayat
Aravakurichi Taluk
Karur District.

2. The District Collector
Karur District. .. Respondents

Petition under Article 226 of the Constitution of India praying for a writ of Mandamus as stated therein.

For Petitioner : Mr.V. Lakshminarayan

For Respondent-2 : Mr.D. Krishna Kumar, Spl.G.P.

:O R D E R

Contending that a land of an extent of 2.92.5 hectares of temple poramboke and 1.15.5 hectares of Natham in Survey Nos.113/1 and 113/2 respectively, Elavanoor Village, Aravakurichi Taluk, Karur District, is under the possession of temples, in which the petitioner is a trustee, from time immemorial, and that the first respondent is proposing to remove a portion of the temple for laying road, the petitioner submitted his objection to the second respondent on 18.9.2002 requesting to take appropriate action in the matter. As no action was taken by the second respondent, the petitioner seeks a writ of Mandamus forbearing the first respondent from interfering with the possession of the temple, viz. Kondava Naicker Temple, Veerabommakkal Temple, Karuppannasamy Temple, Vettakarasamy Temple, Mathapidariamman Temple and Jakamma Temple in Survey Nos.113/1 and 113/2, Elavanoor Village, Aravakurichi Taluk, Karur District.

2.1. The second respondent, who is the Inspector of Panchayat, as per

Section 2(16) of the Tamil Nadu Panchayats Act, 1994, have control of the Panchayat and the functioning. Therefore, the second respondent, being the Inspector of Panchayat, is empowered to exercise the powers conferred under Sections 200 to 202 of the Act, when the same is sought to be exercised either suo motu or on an application.

2.2. Section 200 of the Act empowers the Collector to enter and inspect any immovable property or any work in progress under the control of any panchayat or any executive authority or commissioner. Therefore, the second respondent is empowered to enter and inspect the immovable property in question, wherein a road is sought to be laid by the first respondent.

2.3. Section 201 of the Act empowers the Collector, as an Inspector of Panchayat, to direct the village panchayat or panchayat union council to provide any work or amenity and also to call for any record, register or any other document relating to the affairs of the panchayat.

2.4. Section 202 of the Act further empowers the Collector to suspend or cancel any resolution that is passed by the panchayat under the provisions of the Act. Of course, such decision shall be taken, after giving an opportunity for explanation to the Panchayat.

3. In view of the provisions, it is clear that the Collector, the second respondent herein, is under a statutory obligation to exercise his powers conferred under Sections 200 to 202 of the Act. Therefore, I am of the considered opinion that suffice it to direct the second respondent to call for entire records relating to the matter in dispute, hold an enquiry and dispose of the matter on merits, after giving fair and reasonable opportunity to the petitioner and the first respondent.

The writ petition is disposed of accordingly. No costs. WPMP No.56 277 of 2002 is closed.

Kpl

To

The District Collector
Karur District.